

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

June 16, 2008

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Cantil-Sakauye, Associate Justice; and Horner, bailiff.

C054832 THE ZUMBRUN LAW FIRM v. CALIFORNIA LEGISLATURE et al.

Cause called. Ronald A. Zumbrun argued and Laura Murray appeared only for appellant. Marian M. Johnston argued and Aaron D. Silva appeared only for respondents. Cause submitted.

At 9:58 a.m., the court recessed. At 10:03 a.m., the court reconvened with Blease, Associated Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C056096 MANAVIAN v. STATE OF CALIFORNIA et al.

Cause called. Joshua C. Irwin, Deputy Attorney General, argued for appellant. Charles Donald Crawford argued for respondents. Cause submitted.

At 10:27 a.m., the court recessed. At 2:02 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Hull, Associate Justice.

C053483 COUNTY OF SACRAMENTO v. SPRAGUE

Cause called. Deborah Barron argued and Jerome H. Sprague appeared only for appellant. Lura L. O'Brien, Deputy County Counsel, argued for respondent. Cause submitted.

At 2:19 p.m., the court recessed . At 2:19 p.m., the court reconvened.

C054514 LAIR et al. v. HENDRICKSON et al.

Cause called. Christopher Hanson argued and Elizabeth Roth appeared only for appellants. David B. Johnson argued and Doreen R. Altman appeared only for respondents. Cause submitted.

At 2:45 p.m., the court recessed until 9:30 a.m., Tuesday, June 17, 2008.

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Court Minutes

June 16, 2008 continued

- C054047 THE PEOPLE v. ROBERTS (Not For Publication)**
The judgment is affirmed.
RAYE, J.
In my opinion the sentence imposed in this case is too harsh and I would not have imposed it were I the trial judge. Nevertheless, the sentence does not constitute an abuse of discretion and I concur.
Robie, J.
I concur in Part I of the opinion, which concludes that the trial court did not abuse its discretion in denying probation.
I respectfully dissent from the analysis and conclusion in Part II ...
I would vacate the upper term sentence on count one and remand to the trial court with directions to impose either the midterm or the lower term. I would affirm the judgment in all other respects.
Sims, Acting P.J.
- C058542 JOSEPH R. v. SUPERIOR COURT OF (Not For Publication)**
SHASTA COUNTY; SHASTA COUNTY
DEPARTMENT OF SOCIAL SERVICES
The writ petition is denied.
BLEASE, Acting P.J.
We Concur: Hull, J.
Butz, J.
- C055471 LANGE v. SCHILLING et al. (Certified For Publication)**
THE COURT:
The opinion in the above-entitled matter filed on May 28, 2008, was not certified for publication in the Official Reports.
For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.
DAVIS, Acting P.J.
Hull, J.
Cantil-Sakauye, J.

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Court Minutes

June 17, 2008

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Davis, Associate Justice; Morrison, Associate Justice; and Haskett, bailiff.

C058569 MARDARDO F. v. THE SUPERIOR COURT OF YOLO COUNTY; YOLO COUNTY DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES et al.
Cause called. Linda R. Case argued for petitioner. Jennifer Cretcher-McCoy, Deputy County Counsel, argued for respondent and real parties in interest. Christina Zambrano Beede appeared only for real party in interest Yvonne M. Alice M. Meserve appeared only for real party in interest Santana F. Cause submitted.

At 10:10 a.m., the court recessed until 9:30 a.m., Wednesday, June 18, 2008.

C054142 THE PEOPLE v. TIDWELL (Certified For Partial Publication)
The jury's true findings in count three, four, and five of an enhancement pursuant to Penal Code section 667.61, subdivision (e) (1) are stricken. As modified, the judgment is affirmed. ...
NICHOLSON, J.
We Concur: Sims, Acting P.J.
 Cantil-Sakauye, J.

C056758 THE PEOPLE v. ROBERSON, JR. (Not For Publication)
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
 Cantil-Sakauye, J.

C056763 THE PEOPLE v. BULLOCK (Not For Publication)
The judgment is affirmed.
BUTZ, J.
We Concur: Morrison, Acting P.J.
 Hull, J.

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Court Minutes

June 17, 2008 continued

**C057852 In re GABRIEL H. et al.; EL DORADO (Not For Publication)
COUNTY DEPARTMENT OF HUMAN
SERVICES v. LORIE H.**

The orders terminating parental rights are reversed and the matter is remanded for the limited purpose of determining whether DHS has complied with the inquiry and notice provisions of the ICWA and whether ICWA applies in this case. If, after proper inquiry, the juvenile court determines that the tribes were properly noticed with all available information and there either was no response or the tribes determined that the minors are Indian children, the juvenile court is ordered to conduct a new section 366.26 hearing in conformance with all provisions of the ICWA.

BLEASE, Acting P.J.

We Concur: Hull, J.
 Butz, J.

**C057635 In re PETER BERGNE on Habeas Corpus
BY THE COURT:**

Appellant's petition for rehearing is denied.
SIMS, Acting P.J.

June 18, 2008

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Hull, Associate Justice; and Harper, bailiff.

C054663 RUCKER v. WELLS

Cause called. Harold Rucker argued for appellant in pro per. Tina Wells argued for respondent in pro per. Cause submitted.

At 10:02 a.m., the court recessed. At 10:06 a.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C053267 HUGGINS v. GREWAL MEDICAL ASSOCIATES, INC., et al.

Cause called. Daniel U. Smith argued for appellant. Corinne K. Reynolds argued for respondents. Matthew S. Levinson argued for respondents California Medical Association et al. Cause submitted.

At 10:43 a.m., the court recessed. At 10:48 a.m., the court reconvened with Morrison, Associated Justice; Hull, Associate Justice; and Butz, Associate Justice.

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Morrison, J.

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Court Minutes

June 18, 2008 continued

- C055194 THE PEOPLE v. SPADE (Not For Publication)**
The matter is remanded to the trial court for sentencing on count three, a violation of section 242. The judgment is otherwise affirmed.
BLEASE, Acting P.J.
We Concur: Hull, J.
Butz, J.
- C053762 SINGH v. LIPWORTH (Not For Publication)**
The judgment (order denying application for order to sell dwelling) is reversed, and the matter is remanded to the trial court for further proceedings in light of this opinion. Appellant Lipworth shall recover his costs on appeal. ...
SIMS, J.
We Concur: Scotland, P.J.
Hull, J.
- C055050 CAMPAGNONE et al. v. ENJOYABLE (Certified For Publication)**
POOLS & SPAS SERVICE & REPAIRS,
INC., et al.
THE COURT:
It is ordered that the opinion filed herein on May 30, 2008, be modified ...
This modification does not change the judgment.
The petition for rehearing is denied.
FOR THE COURT:
SCOTLAND, P.J.
Sims, J.
Butz, J.

June 19, 2008

- C051307 THE PEOPLE v. SHIPLEY (Not For Publication)**
The judgment is modified by striking the parole revocation fine imposed under section 1202.45. The trial court shall prepare an amended abstract of judgment that deletes the parole revocation fine at item 5.b., corrects the year of the crime and conviction by jury in item 1., and in item 10., marks the box that execution of sentence was imposed at the initial sentencing hearing. The court shall forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.
BUTZ, J.
We Concur: Sims, Acting P.J.
Robie, J.

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June 19, 2008 continued

- C057228 THE PEOPLE v. PIPER (Not For Publication)**
The trial court is directed to amend the minutes from the September 24, 2007, hearing and prepare a corrected abstract of judgment to reflect the \$20 court security fee ordered by the court pursuant to section 1465.8. The trial court is further directed to forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. The judgment is otherwise affirmed.
BLEASE, Acting P.J.
We Concur: Hull, J.
Butz, J.
- C051311 BARNETT v. THE SUPERIOR COURT (Certified For Publication)
OF BUTTE COUNTY; THE PEOPLE**
The petition is granted in part and denied in part. Having served its purpose, the alternative writ is discharged. ...
ROBIE, J.
We Concur: Scotland, P.J.
Sims, J.
- C054605 STEINER v. PAUL THEXTON as Trustee etc.; SIDDQUI FAMILY
PARTNERSHIP
BY THE COURT:**
The petition for rehearing of appellant Siddiqui Family Partnership is denied.
SIMS, Acting P.J.

June 20, 2008

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Nicholson, Associate Justice; Robie, Associate Justice; and Horner, bailiff.

- C053954 BALAGUY v. BALAGUY**
Cause called. Harrison L. Goodwin argued for appellant. Gerald E. Singer argued for respondent. Cause submitted.
- At 9:50 a.m., the court recessed. At 9:53 a.m., the court reconvened with Nicholson, Associated Justice; Raye, Associate Justice; and Robie, Associate Justice.

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June 20, 2008 continued

Cause called. Linda J. Conrad, court appointed counsel, argued for appellants. June Powells-Mays, Deputy County Counsel, argued for respondent. Cause submitted.

The convictions on count five are reversed and modified to the lesser included offense of misdemeanor child abuse. ... The clerk of the Superior Court is directed to amend the abstract of judgment to reflect this modification and to transmit a copy of the amended abstract to the Department of Corrections and Rehabilitation. As modified, the judgments of conviction are affirmed as to both defendants.

The judgment is affirmed. The trial court is directed to correct the abstract of judgment as indicated above and to forward a copy to the Department of Corrections and Rehabilitation.

The judgment (order of probation) is modified to provide for one additional day of presentence custody credit...

As modified, the judgment is affirmed. The trial court is directed to modify the minute order of probation and send a certified copy of the amended order to the Sacramento County Probation.

We Concur: Raye, Acting P.J.
Cantil-Sakauye, J.

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June 20, 2008 continued

C055857 THE PEOPLE v. DRAYTON (Not For Publication)

The judgment is affirmed. However, the trial court is directed to prepare an amended abstract of judgment to correct item 1 of the attachment page to reflect that count seven is pursuant to section 475, subdivision (b) (possession of a forged instrument), rather than section "457 (b)," and forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

BUTZ, J.

I concur: Nicholson, Acting P.J.

I concur but wish to add that defendant's challenge to CALCRIM No. 220 is patently frivolous, particularly the incomprehensible argument about jurors' "feeling."

Robie, J.

C056063 THE PEOPLE v. MARULLI (Not For Publication)

The judgment is modified to award defendant 10 additional days of credit (actual credit of 307 days and total credits of 451 days). As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the modification and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

BUTZ, J.

We Concur: Raye, Acting P.J.

Hull, J.

C056839 THE PEOPLE v. RIVERA (Not For Publication)

The judgment is modified to strike the sex offender fine and assessments totaling \$720. The trial court is directed to prepare an amended abstract of judgment accordingly, as well as deleting the name of that victim and to forward a certified copy to the department of Corrections and Rehabilitation. As modified, the judgment is affirmed.

BUTZ, J.

We Concur: Raye, Acting P.J.

Cantil-Sakauye, J.

C057243 THE PEOPLE v. PRICE (Not For Publication)

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Hull, J.

Butz, J.

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Court Minutes

June 20, 2008 continued

- C057981 THE PEOPLE v. LUTZOW (Not For Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Hull, J.
Butz, J.
- C053426 PUBLIC UTILITIES COMMISSION v. (Not For Publication)**
FIGGS; JOHN W. RICHARDSON, as
Receiver, etc.
The judgment (order) is affirmed. Respondents are awarded their costs
on appeal. ...
NICHOLSON, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C057638 In re BRANDON T.; SACRAMENTO (Not For Publication)**
COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v.
CARMELLA M.
The juvenile court's orders are affirmed.
ROBIE, J.
We Concur: Sims, Acting P.J.
Nicholson, J.
- C057727 In re L.G.; EL DORADO COUNTY (Not For Publication)**
DEPARTMENT OF HUMAN
SERVICES v. A.S.
The order of the juvenile court terminating appellant's parental rights is
affirmed.
HULL, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C055649 THE PEOPLE v. RIFFEY**
BY THE COURT:
Appellant's petition for rehearing is denied.
SIMS, Acting P.J.